

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

V.

TEXAS INSTRUMENTS, INC., et
al.,

Defendants.

CASE NO. 6:12-cv-499-MHS-CMC

LEAD CASE

Jury Trial Demanded

**UNOPPOSED MOTION TO WITHDRAW PLAINTIFF'S MOTION TO COMPEL
INSPECTION OF DEFENDANT FUTRONIC TECHNOLOGY CO. LTD.'S SOURCE
CODE (DKT. NO. 1608)**

NOW COMES, Plaintiff Blue Spike, LLC (“Blue Spike”), and hereby respectfully requests the Court’s permission to withdraw, without prejudice to refilling, Plaintiff’s Motion to Compel Inspection of Defendant Futronic Technology Co., Ltd.’s Source Code (Dkt. No. 1608).

I.

Counsel for Futronic and Counsel for Blue Spike are currently working together to schedule and complete the review of Futronic's source code.

II.

Counsel for Futronic has indicated it is unopposed to the relief requested in this Motion. Moreover, in the event that Blue Spike were to have to refile the instant motion, counsel for Futronic has agreed to reasonable expedited briefing (for example, response due in seven days plus three, as opposed to the normal fourteen days plus three per Local Rule CV-7(e)). Furthermore, the parties wish to remove this matter from the Court's docket and to no longer burden the Court with additional extensions.

WHEREFORE, Plaintiff Blue Spike, LLC respectfully requests the Court withdraw without prejudice to refilling Plaintiff's Motion to Compel Inspection of Defendant Futronic Technology Co., Ltd.'s Source Code (Dkt. No. 1608).

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document *via* the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 2, 2014.

/s/ Randall Garteiser